

**REGULAR MEETING  
of the  
CITY OF RIALTO  
CITY COUNCIL/REDEVELOPMENT AGENCY  
RIALTO HOUSING AUTHORITY  
RIALTO PUBLIC FINANCING AUTHORITY  
April 1, 2008**

A regular meeting of the City Council/Redevelopment Agency of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, April 1, 2008.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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**CALL TO ORDER**

Mayor Vargas called the meeting to order at 4:00 p.m.

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The roll was called and the following were present: Mayor Vargas, Mayor Pro Tem Hanson and Council Members Baca Jr. and Scott. Also present were Assistant City Administrator Kirby Warner, Interim City Attorney Tilford and City Clerk McGee. Council Member Robertson was absent.

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**CLOSED SESSION**

1. Conference with Legal Counsel – existing litigation. The City Council will discuss the following pending litigation pursuant to Government Code Section 54956.9(a):

(a) City of Rialto v. United States Department of Defense, et. al.  
(United States District Court Case No. EDCV 04-00079)

2. Conference with labor negotiator regarding the following recognized employee organizations pursuant to Government Code Section 54957.6:

Agency negotiators: Bradley Neufeld  
Employee organization: Rialto Police Benefit Assoc.

## **CLOSED SESSION**

3. Conference with Real Property Negotiator. The Redevelopment Agency will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:

A. Subject: Price and Terms  
Location: Southwest Corner of Cactus and Foothill  
Owners: M.K. Bitker Living Trust  
Negotiators: John Dutrey and Robb Steel

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Motion by Council Member Scott, second by Council Member Joe Baca, Jr. and carried by 4-0 vote to go into Closed Session. Council Member Robertson was absent.

City Council went into Closed Session at 4:02 p.m. and returned at 5:20 p.m.

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## **CALL TO ORDER**

Mayor Vargas called the meeting to order at 6:00 p.m.

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The roll was called and the following were present: Mayor Vargas, Mayor Pro Tem Hanson and Council Members Baca Jr., Robertson and Scott. Also present were Assistant City Administrator Kirby Warner, Interim City Attorney Tilford and City Clerk McGee.

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## **Pledge of Allegiance and Invocation**

Council Member Deborah Robertson led the Pledge of Allegiance and Pastor Harry Bratton of the Greater Faith Grace Bible Church gave the invocation.

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## **CITY ATTORNEY'S REPORT ON CLOSED SESSION**

Interim City Attorney Tilford indicated that regarding item one, litigation on the Closed Session portion of the Agenda, no action was taken. With respect to item two shown on the Closed Session portion of the Agenda, the City Council authorized the negotiator to continue negotiations with Rialto Police Benefit Association. With respect to Item three shown on the Closed Session portion of the Agenda, no action was taken.

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## **PROCLAMATIONS**

A Proclamation was presented by Mayor Grace Vargas stating April 2008 as Child Abuse Prevention Month.

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Council Member Joe Baca, Jr. presented a Proclamation stating April 2008 as National Autism Awareness Month.

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## **CONSENT CALENDAR**

### **A. WAIVE FULL READING OF ORDINANCES**

1. Waive reading in full, all ordinances considered at this meeting.

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### **B. APPROVAL OF WARRANT RESOLUTIONS**

1. Resolution No. 35 (3/14/08)
2. Resolution No. 36 (3/21/08)

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### **C. APPROVAL OF MINUTES**

1. Regular RDA/City Council Meeting – July 3, 2007

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### **D. SETTING OF PUBLIC HEARINGS**

1. Request City Council to set a Public Hearing for the **April 15, 2008** City Council Meeting to consider and approve the City's 2008-2009 Consolidated Plan One-Year Action Plan.

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### **E. MISCELLANEOUS**

1. Request City Council to approve the refurbishment of office and storage areas within Development Services Department in the amount of \$37,500.
2. Request City Council to approve the Notice of Completion for the Citywide Curb, Gutter & Sidewalk Project, Project No. 080800-00.
3. Request City Council to adopt **Resolution No. 5567** accepting the Office of Traffic Safety – Click it or ticket Seatbelt Enforcement Mini Grant.
4. Request City Council to extend the contract with Inland Presort through 2009 for outsourcing of inserting and mail processing services.
5. Request City Council to adopt **Resolution No. 5568** approving the submittal of a grant application for the targeted Rubberized Asphalt Concrete (RAC) Incentive (TRI) Grant Program to the California Integrated Waste Management Board.
6. Request City Council to adopt **Resolution No. 5569** approving the 3<sup>rd</sup> Addendum to the Final Environmental Impact Report for the construction and operation of a Regional Biosolids Processing Facility.

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## **CONSENT CALENDAR**

Motion by Council Member Ed Scott, second by Council Member Robertson and carried by unanimous vote to approve the Consent Calendar.

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## **NEW BUSINESS**

**TAB 2 – Request City Council to adopt Resolution No. 5570**

Larry Thornburg, Director of Recreation and Community Services, stated that because of the generosity of County Supervisor Gonzalez and the Board, the soccer complex lighting project was completed and Frisbie Park could make improvements with another \$100,000 donation.

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Supervisor Gonzalez stated that she wanted to provide the City of Rialto with a grant of \$100,000 to make improvements to Frisbie Park. She requested that the grant funds be allocated for the park sign, picnic area improvements and well site screening.

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Motion by Council Member Robertson, second by Council Member Ed Scott and carried by unanimous vote to approve the adoption of **Resolution No. 5570**.

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## **PUBLIC HEARING**

**TAB 1 – Request City Council to consider General Plan Amendment No. 28 and Zone Change No. 324**

Mike Story, Director of Development Services, stated that this is a public hearing for General Plan Amendment No. 28 and Zone Change No. 324. It is a request to change the General Plan land use designation from Medium High Density Residential to High Density Residential and the zoning designation from Planned Residential Development Attached to High Density Residential for a 4.78 acre property located on the west side of Riverside Avenue.

Mike Story stated that the applicant is Stratus Development, LLC and has submitted a request to the City of Rialto. Stratus would like to change their approved project from a 70 unit condominium project to a 104 unit apartment project.

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Mayor Vargas declared the Public Hearing open. No one came forward.

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Motion by Council Member Scott, second by Council Member Robertson and carried by unanimous vote to close the public hearing.

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## **PUBLIC HEARING**

**TAB 1 – Request City Council to consider General Plan Amendment No. 28 and Zone Change No. 324**

Council Member Ed Scott asked what the Planning Commission's vote was on the item. He stated he received some calls from residents who think the existing townhomes will be converted to apartments.

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Mike Story indicated the vote was 3-2 vote.

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David Wood, Stratus Development, stated that the Bloomington Lane project is going to remain as a "for sale" project. He indicated that there is no plan to change to a multi-family rental.

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Council Member Baca, Jr. asked if the complex is ADA compliant.

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David Wood stated that they are compliant.

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Mayor Vargas read the titles of both Ordinances:

### **ORDINANCE NO. 1419**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 28 TO THE CITY OF RIALTO 1992 GENERAL PLAN UPDATE AMENDING THE LAND USE POLICY MAP FROM A MEDIUM HIGH DENSITY RESIDENTIAL (6-12 DU/ACRE) TO HIGH DENSITY RESIDENTIAL (13-21 DU/ACRE).**

### **ORDINANCE NO. 1420**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING CHANGE OF ZONE NO. 324 TO CHANGE THE ZONING DESIGNATION FROM PLANNED RESIDENTIAL DEVELOPMENT ATTACHED (PRD-A) TO HIGH DENSITY RESIDENTIAL (R-3).**

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Motion by Mayor Pro Tem Hanson, second by Council Member Robertson and carried by unanimous vote to approve both **Ordinance No. 1419** and **Ordinance No. 1420**. The vote was: AYES: Mayor Vargas, Mayor Pro Tem Hanson, and Council Members: Robertson, Scott and Baca Jr. NOES: none. ABSTAIN: none. ABSENT: none.

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## **NEW BUSINESS**

### **TAB 3 – Request to receive and file the Citywide Management Information Systems Analysis**

June Overholt, Chief Financial Officer, stated that Pacific Technologies, Inc. (PTI) has prepared an executive summary for the Council to review and a presentation will be given. The report was recommended by Interim Police Chief Frank Scialdone, to address needs within the police department and city wide needs.

June Overholt stated that representatives from PTI will be giving their summary report.

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Dan Borgen, Co-Chief Executive Officer of Practical Planning Positive Change, gave a background of his company. He explained in detail to the City Council the Information Technology Strategic Plan including a slide presentation.

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Mayor Pro Tem Hanson stated that the original start date for the project was in 2006. She asks how technology has advanced in the last two years.

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Dan Borgen stated that the technology does not change as fast in the public sector. The systems used for Finance, Permit or Parks and Recreations can last approximately 10 to 15 years with upgrades.

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Council Member Robertson mentioned that it is important to have more staff to implement the current applications.

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Motion by Mayor Pro Tem Hanson, second by Council Member Robertson and carried by unanimous vote to receive and file the Citywide Management Information Systems Analysis prepared by Pacific Technologies, Inc.

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## **NEW BUSINESS**

### **TAB 4 – Mid Year Budget Review to amend estimated revenues and appropriations**

June Overholt, Chief Financial Officer, requested that Council approve resolutions amending estimated revenues and appropriations for the Fiscal Year 2007/08 budgets for the City funds, Rialto Utility Authority and Redevelopment Agency. The resolution is to authorize adjustments due to revenue receipts increased or reduced due to current trends and expenditure adjustments associated with savings or changes. She stated that staff is anticipating that budgeted revenues will remain flat in the next budget cycle. There are a list of issues that could affect the City's financial condition including gas tax revenues, sales tax, property taxes and investment income earnings.

## **NEW BUSINESS**

**TAB 4 – Mid Year Budget Review to amend estimated revenues and appropriations**

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Council Member Ed Scott asked whether this TAB item could be postponed for two weeks and sent back to the budget committee for review.

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Council Member Baca, Jr. agrees to table the discussion.

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Council Member Robertson wanted clarification regarding the reserve account.

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Assistant City Administrator Warner believed it is a good time to postpone this item because the Budget Workshop will be coming up soon.

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Motion by Council Member Scott, second by Council Member Baca, Jr. and approved by unanimous vote to table this item.

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## **ORAL COMMUNICATIONS**

Corey Jackson, Parks and Recreation Commissioner and resident, stated his concern about having funds for the Parks and Recreation Department.

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Council Member Ed Scott responded to Mr. Jackson by confirming there has not been any discussion regarding layoffs. Council Member Scott stated his commitment to rebuilding the Rialto Police Department.

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Council Member Baca, Jr. stated that he fully supports the Police Department and the Parks Department.

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Mayor Vargas indicated that she also fully supports the Police Department and advises that no one will be allowed to come to the City Council Chambers to discuss political views.

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## **NEW BUSINESS**

**TAB 5–Request to adopt RDA Resolution No. 621 and RPFA Resolution No. 08-01 authorizing issuance of 2008 Series B/C tax bonds**

Robb Steel, Economic Development Director, states that there were no bids for the Series B and C Bonds when the competitive sale of the Bonds was approved. The Agency recommends making a second attempt at a competitive sale on April 17, 2008. The Series B bonds are taxable bonds that are used primarily to fund various housing projects in the City of Rialto.

## **NEW BUSINESS**

**TAB 5--Request to adopt RDA Resolution No. 621 and RPFA Resolution No. 08-01 authorizing issuance of 2008 Series B/C tax bonds**

Robb Steel, Economic Development Director stated that the Series C bonds are taxable and are intended to fund the Agency Economic Development Projects. The Security for the bonds is all Agency funds and there is no General Fund pledge. The bonds are all property tax increments entitled to the Agency. The Agency is asking for the City Council to approve lowest bid negotiations if the bids that are submitted, are not economic.

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Jim Fabian, Financial Advisor, stated that he spoke to the potential firms and explains why no bonds were sold during the first competitive sale.

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Motion by Council Member Baca, Jr., second by Mayor Pro Tem Hanson and carried by 4-0 vote to adopt **RDA Resolution No. 621** and **RPFA Resolution No. 08-01** authorizing the issuance of 2008 Series B and C Tax Allocation Bonds for the Merged Redevelopment Project Area.

Council Member Ed Scott was absent. He left the dais at 7:45 p.m. and returned at 7:55 p.m. Council Member Baca, Jr. left the dais at 7:45 p.m. and returned at 7:50 p.m.

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## **NEW BUSINESS**

**TAB 6 – Request to adopt Resolution No. 5571 approving Escrow Agreement for the Disbursement of land sales proceeds**

Robb Steel, Redevelopment/Economic Development Director, stated that this item is for consideration and approval of a Resolution of the City Council approving an Escrow Agreement for the Disbursement of Land Sales Proceeds by and among the Federal Aviation Administration, San Bernardino International Airport Authority, City of Rialto and First American Title Insurance Company. He stated the City conveyed the Rialto Airport Property to the Agency. The Agency will make the required City payments at each closing, and then pass through any remaining funds to the City.

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Council Member Joe Baca, Jr. thanked Congressman Joe Baca for carrying the legislation.

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Motion by Council Member Robertson, second by Mayor Pro Tem Hanson and approved by unanimous vote to approve the **Resolution No. 5571**, approving an Escrow Agreement for the Disbursement of land sales.

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## **NEW BUSINESS**

**TAB 7 – Resolution 5572, RDA  
Resolution No. 622 and RDA  
Resolution No. 623 – Rails to Trails  
Project**

Ahmad Ansari, Public Works Director/City Engineer, states he has information on the Rails to Trails Project and asks for the City Council to approve a Pre-Design Feasibility Analysis. He requested the City Council to adopt resolutions making findings under Health and Safety Code Section 33345, related to the funding of the Design of Phase 1 of the Rails to Trails project Segment between Maple and Cactus Avenues and adopt resolution appropriating \$350,000 from RDA 2003 Series Bonds for the Design of Phase 1 of the Project.

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Dan Guerra, Principal of Dan Guerra and Associates, presented the Pre-Design Feasibility Analysis and provides a presentation discussing the report. The intent of the Feasibility Report is to discuss challenges and constraints along the City of Rialto reach, and provide a guideline for discussion and development of the trail within the city limits.

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Greg Denson, Architect Design Group, explained about what landscape and irrigation projects his company designed for the Rails to Trails construction. He gives a review of the project from the west end leading up to the city of Rialto along with a slide presentation.

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Mike Baer, Director of Transit Rail Programs for SANBAG, stated that there has been various funding involved in some of the projects. The Transportation Activity Funds were used for trail development. He stated that the SANBAG board can award monies for 2009/2010 to the project. He stated the Local Transportation Fund can be used for bike and trail projects. He indicated the State of California administers some funds that can be used, such as the Bicycle Account, Grant Applications and the State Parks and Recreation Program Grant. He mentioned that Measure I will begin and is very flexible as to how it can be spent and suggests the monies be used for the Trail System.

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Mayor Pro Tem Hanson stated her particular interest in the trail project is that it provides a safe route to the schools.

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Council Member Ed Scott stated he is disappointed that the finished project behind the two new schools does not coincide with school opening and so the students are not on Rialto Avenue.

## **NEW BUSINESS**

**TAB 7 – Resolution 5572, RDA Resolution No. 622 and RDA Resolution No. 623 - Rails to Trails Project**

Council Member Scott felt that Orange County Lumber is an asset to the city with regards to sales tax money. He does not want the company to have to relocate. He received three phone calls in regards to Measure I money not being used for the trail. He stated the residents want to see the money be used for potholes and street repairs.

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Motion by Council Member Ed Scott, second by Council Member Baca, Jr., carried by unanimous vote to adopt **Resolution No. 5572** and **RDA Resolution No. 622** and to adopt **RDA Resolution No. 623** related to the Rails to Trails Project.

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**TAB 8 – Construction Contract to L.A. Builders, Inc. for Riverside Water Main Replacement Phase I**

Ahmad Ansari, Public Works Director explained the City's Capital Improvement Program (CIP) has allocated money for the replacement of the water main on Riverside Avenue from Etiwanda Avenue to the reservoir at Easton. He stated bids were received and his recommendation would be to award the bid to L.A. Builders, Inc. for Phase I of the project in the amount of \$675,550.00

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Mayor Pro Tem Hanson asked whether the street will be closed or will it just be one lane.

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Ahmad Ansari stated that the line will be in the center of the street and both directions of the street will remain open.

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Motion by Mayor Pro Tem Hanson, second by Council Member Robertson, carried by unanimous vote to award a Construction Contract to L.A. Builders, Inc. for Riverside Water Main Replacement Phase I – Etiwanda to Baseline – in the amount of \$675,550.

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**TAB 9 – Resolution No. 5573 approving the purchase of computers and software**

Mark Kling, Chief of Police, stated that this is a request to purchase of 37 laptop computer, 15 computer workstations, 47 modems and additional software licenses for police operations.

He stated the Police Department is in need of an upgrade and expansion in the areas of technology equipment and licensing to increase efficiency and production of the department. The total purchase price would not exceed \$345,725.00

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## **NEW BUSINESS**

**TAB 9 – Resolution No. 5573 approving the purchase of computers and software**

Motion by Council Member Scott, second by Council Member Baca, Jr., carried by unanimous vote to adopt **Resolution No. 5573** approving the purchase of computers and software.

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**TAB 10 – Loan agreement from the Wastewater Fund to the Water Fund**

Assistant City Administrator Kirby Warner explained the loan has an expected repayment with interest of 5% at the successful completion of the lawsuit. The loan will be from the Wastewater Fund to the Water Fund. He stated the Water Fund has high expenditures related to the lawsuit related to the perchlorate project and cleanup.

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Motion by Council Member Robertson, second by Mayor Pro Tem Hanson, carried by unanimous vote to approve the loan agreement in the amount of \$4,000,000 for the Wastewater Fund to the Water Fund.

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## **ORAL COMMUNICATIONS**

The Gang Reduction Intervention Team gave an update on what the organization has done for at-risk youth. They thank the City Council for the funding that was given to the Intervention Team.

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Bob Minick stated he has noticed an increase in graffiti on local businesses and homes.

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## **REPORTS**

Council Member Robertson stated that because of Freedom of Speech she felt that anyone has the right to come to the podium and speak freely.

She would like to adjourn the meeting in memory of Frances Kimble Montgomery.

She mentioned that the graffiti issue does seem to be a big concern even with the new graffiti contractor.

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Council Member Ed Scott gave an update on the Planning Workshop at Omni Trans.

He stated his concern about current graffiti cleanup and the new contractor. He felt that there needs to be patrol on several streets to see current graffiti problems.

He asked that the City Council adjourn in the memory of Myrna Rivera and Frances Kimble Montgomery.

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## **REPORTS**

Mayor Pro Tem Hanson stated she is on the committee, Diploma Bound, with the Mayor of San Bernardino and includes city officials and the school district. The committee addresses the dropout issue.

She met with sixth grade students at Morris School and spoke about city government, especially graffiti concerns. She encouraged citizens to start Neighborhood Watch programs in their community.

She mentioned that Rialto Community Players has been very successful.

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Council Member Baca Jr. asked to adjourn in the memory of Frances Montgomery Kimble, president of the Rialto Democratic Club.

Council Member Baca Jr. attended the Eisenhower High School Basketball ceremony. He congratulates members of the team for their excellent grades.

He attended a PTA Open House at Henry Elementary School.

He went to a clergy meeting organized by the Police Department. He encourages partnership between the clergy and the citizens of Rialto.

Council Member Baca Jr. stated he attended the Rialto Eastern Opening ceremonies. He congratulated Julie Garcia, the president of the Rialto Eastern Little League.

He went to Cesar Chavez Middle School in San Bernardino.

He attended the Democratic Convention in San Jose.

Council Member Baca Jr. suggested that the city create a Graffiti Taskforce working with school districts and the Police Department.

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Mayor Vargas stated there will be a Town Hall Meeting on April 10, 2008 to discuss foreclosures in the city.

She thanked whoever is bringing the flower arrangements to her office.

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## **City Administrator Report**

Assistant City Administrator Kirby Warner expressed his appreciation and thanks to the camera crew.

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**ADJOURNMENT**

Motion by Council Member Robertson, second by Council Member Scott and carried by unanimous vote to adjourn the Meeting in memory of:

**Frances Kimble Montgomery**


**Myrna Rivera**

The City Council adjourned at 9:30 p.m.

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MAYOR GRACE VARGAS

**ATTEST:**

  
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CITY CLERK BARBARA A. McGEE, CMC

